

Attorney's Docket No. 5577-253 (RSW9-99-132US1)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Hild *et al.*

Serial No.: 09/532,937

Filed: March 22, 2000

For: **METHOD AND SYSTEM FOR DESIGNATING REQUIRED DEVICE  
ATTRIBUTES FOR EMBEDDING IN A WORLD-WIDE WEB DOCUMENT  
REQUEST**

Group Art Unit: 9182

Confirmation No.: 2143

Examiner: David E. England

Date: December 20, 2004

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P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF APPEAL BRIEF  
(PATENT APPLICATION--37 C.F.R. § 41.37)**

1. Transmitted herewith is the APPEAL BRIEF for the above-identified application, pursuant to the Notice of Appeal filed on October 18, 2004.

2. This application is filed on behalf of  
☐ a small entity.

3. Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:  
☐ small entity \$250.00  
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09-0461.

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Attorney's Docket No. 5577-253 (RSW9-99-132US1)

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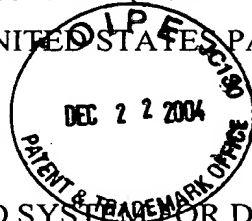
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**APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37**

Sir:

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" mailed October 18, 2004.

**Real Party In Interest**

The real party in interest is assignee International Business Machines Corporation, Armonk, New York.

**Related Appeals and Interferences**

Appellants are aware of no appeals or interferences that would be affected by the present appeal.

**Status of Claims**

Appellants appeal the final rejection of Claims 1-2, 5-12, 15-22, 25-30, 32,34 and 36-44, which as of the filing date of this Brief remain under consideration. The attached Appendix A presents the claims at issue as finally rejected in the Final Office Action of June 21, 2004 (hereinafter "Final Office Action") and the Advisory Action of September 24, 2004 (hereinafter "Advisory Action").

### **Status of Amendments**

The attached Appendix A presents the pending claims and each of the pending claims corresponding status. All amendments in the present case have been entered.

### **Summary of the Claimed Subject Matter**

The present application includes Independent Claims 1, 6, 11, 16, 21 and 26. The claims are method, system and computer program product claims. Claim 1 is directed to methods for designating client properties in a networked environment. Such methods may be provided by receiving a link element associated with a server. The link element includes a plurality of requested client properties. *See* Specification, page 13, line 6 to page 14, line 8 and Figures 5A through 5C. The link element may be selected to request a document identified by the link element to be transmitted to a client. *See* Specification, page 14, lines 14-20 and page 15, lines 8-10 and Figure 7 (block 500). The at least one of the plurality of requested client properties is inserted into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties. *See* Specification, page 16, lines 13-15 and Figure 7 (block 540).

Independent Claim 11 is a system claim corresponding to Claim 1. Structure corresponding to the means recitations found in Claim 11 is provided, inter alia, by a processor for carrying out the functions of a block or blocks of the flowcharts. *See* Specification, page 9, line 17 to page 10, line 2 and Figure 3. Thus, structure corresponding to the "means for receiving a link element associated with a server, the link element including a plurality of requested client properties" is provided, inter alia, by a processor, for example the processor 302 of Figure 3, of a client, such as the clients 108, 110 or 112 of Figure 1. *See* Specification, page 13, line 6 to page 14, line 8 and Figures 5A through 5C. Structure corresponding to the "means for selecting said link element to request a document identified by the link element to be transmitted to a client" is provided, by a processor, such as processor 302, that is programmed to carry out the operations of block 500 of Figure 7. *See* Specification, page 14, lines 14-20 and page 15, lines 8-10 and Figure 7 (block 500). Structure corresponding to the "means for inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested

client properties" is provided, inter alia, by a processor, such as processor 302, that is programmed to carry out the operations of block 540 of Figure 7. *See* Specification, page 16, lines 13-15 and Figure 7 (block 540).

Independent Claim 21 is a computer program product corresponding to Claim 1.

Claim 6 is directed to methods for designating client properties in a networked environment. Such methods may be provided by receiving a link element associated with a server. The link element includes a plurality of requested client properties. *See* Specification, page 13, line 6 to page 14, line 8 and Figures 5A through 5C. The link element may be selected to request a document identified by the link element to be transmitted to a client. *See* Specification, page 14, lines 14-20 and page 15, lines 8-10 and Figure 7 (block 500). The at least one of the plurality of requested client properties is inserted into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties. *See* Specification, page 16, lines 13-15 and Figure 7 (block 540). The plurality of requested client properties includes at least one property that is designated as a mandatory property and at least one property that is an optional property. *See* Specification, page 16, lines 7-10.

Independent Claim 16 is a system claim corresponding to Claim 6. Structure corresponding to the means recitations found in Claim 11 is provided, inter alia, by a processor for carrying out the functions of a block or blocks of the flowcharts. *See* Specification, page 9, line 17 to page 10, line 2 and Figure 3. Thus, structure corresponding to the "means for receiving a link element associated with a server, the link element including a plurality of requested client properties" is provided, inter alia, by a processor, for example the processor 302 of Figure 3, of a client, such as the clients 108, 110 or 112 of Figure 1. *See* Specification, page 13, line 6 to page 14, line 8 and Figures 5A through 5C. Structure corresponding to the "means for selecting said link element to request a document identified by the link element to be transmitted to a client" is provided, by a processor, such as processor 302, that is programmed to carry out the operations of block 500 of Figure 7. *See* Specification, page 14, lines 14-20 and page 15, lines 8-10 and Figure 7 (block 500). Structure corresponding to the "means for inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties" is provided, inter alia, by a processor, such as processor 302, that is

programmed to carry out the operations of block 540 of Figure 7. *See* Specification, page 16, lines 13-15 and Figure 7 (block 540). The plurality of requested client properties includes at least one property that is designated as a mandatory property and at least one property that is an optional property. *See* Specification, page 16, lines 7-10.

Independent Claim 26 is a computer program product corresponding to Claim 6.

Claim 7 is a method claim where the step of inserting includes selecting ones of the plurality of requested client properties included in the link element and determining whether selected ones of the plurality of requested client properties are available to be transmitted. *See* Specification, page 15, line 16 to page 16, line 5 and Figure 7 blocks 510 and 515.

Claim 17 is a system claim corresponding to Claim 7. Structure corresponding to the means recitations found in Claim 17 is provided, *inter alia*, by a processor for carrying out the functions of a block or blocks of the flowcharts as discussed above. Thus, structure corresponding to the "means for selecting ones of the plurality of requested client properties included in the link element" is provided, *inter alia*, by a processor, such as processor 302 of Figure 3, that is programmed to carry out the operations of block 510 of Figure 7. Structure corresponding to the "means for determining whether selected ones of the plurality of requested client properties are available to be transmitted" is provided, *inter alia*, by a processor, such as the processor 302 of Figure 3, which is programmed to carry out the operations of block 515 of Figure 7. *See* Specification, page 15, line 16 to page 16, line 5 and Figure 7 blocks 510 and 515.

Claim 27 is a computer program product claim corresponding to Claim 7.

Claim 9 is a method claim further including prompting a user whether to transmit the selected ones of the plurality of requested client properties if it is determined that at least one of the plurality of requested client properties is available to be transmitted and transmitting the request without at least one of the selected ones of the plurality of requested client properties if the user indicates the selected ones of the plurality of requested client properties are not to be sent. *See* Specification page 16, line 3 to line 10 and Figure 7 blocks 525, 530, 535 and 520.

Claim 19 is a system claim corresponding to Claim 9. Structure corresponding to the means recitations found in Claim 19 is provided, *inter alia*, by a processor for carrying out the functions of a block or blocks of the flowcharts as discussed above. Thus, structure corresponding to the "means for prompting a user whether to transmit the selected ones of the

plurality of requested client properties if it is determined that at least one of the selected ones of the plurality of requested client properties is available to be transmitted" is provided, *inter alia*, by a processor, such as processor 302 of Figure 3, that is programmed to carry out the operations of block 530 of Figure 7. Structure corresponding to the "means for transmitting the request without at least one of the selected ones of the plurality of requested client properties if the user indicates the selected ones of the plurality of requested client properties are not to be sent" is provided, *inter alia*, by a processor, such as the processor 302 of Figure 3, which is programmed to carry out the operations of block 520 of Figure 7. *See* Specification page 16, line 3 to line 10 and Figure 7 blocks 525, 530, 535 and 520.

Claim 29 is a computer program product claim corresponding to Claim 9.

Claim 10 is a method claim further including terminating the request if it is determined that at least one of the selected ones of the plurality of requested client properties is not available to be transmitted and the at least one of the selected ones of the plurality of requested client properties that is not available to be transmitted is a mandatory property. *See* Specification page 16, line 3 to line 10 and Figure 7 blocks 515 and 520.

Claim 20 is a system claim corresponding to Claim 10. Structure corresponding to the means recitations found in Claim 19 is provided, *inter alia*, by a processor for carrying out the functions of a block or blocks of the flowcharts as discussed above. Thus, structure corresponding to the "means for terminating the request if it is determined that at least one of the selected ones of the plurality of requested client properties is not available to be transmitted and the at least one of the selected ones of the plurality of requested client properties that is not available to be transmitted is a mandatory property" is provided, *inter alia*, by a processor, such as processor 302 of Figure 3, that is programmed to carry out the operations of blocks 515 and 520 of Figure 7. *See* Specification, page 16, lines 3 through 10 blocks 515 and 520.

Claim 30 is a computer program product claim corresponding to Claim 10.

Claims 37, 40 and 43 are method, system and computer program product claims, respectively, where the plurality of requested client properties included in a list in the link element are less than all client properties that may be included in the list. *See* Summary of the Invention, page 4, line 10 to page 5, line 11.

Claims 38, 41 and 44 are method, system and computer program product recitations where the inserted at least one of said plurality of client properties is less than all the plurality

of requested properties included in the link element. *See* Summary of the Invention, page 5, lines 2-4.

**Grounds of Rejection to Be Reviewed on Appeal**

1. Claims 1, 2, 11, 12, 21 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 5,948,061 to Merriman *et al.* (hereinafter "Merriman").
2. Claims 5, 15, 25, 32, 34 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of United States Patent No. 6,401,085 to Gershman (hereinafter "Gershman").
3. Claims 6, 7, 16, 17, 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of United States Patent No. 6,098,081 to Heidorn *et al.* (Hereinafter "Heidorn").
4. Claims 8, 18 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn in further view of Gershman.
5. Claims 9, 19, 29, 39, 42 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn in further view of Gershman in further view of United States Patent Application No. 6,268,856 to Bruck *et al.* (hereinafter "Bruck")
6. Claims 10, 20 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn in further view of Bruck.
7. Claims 37, 38, 40, 41, 43 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Gershman.
8. Claims 37, 40 and 43 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.
9. Claims 38, 41 and 44 stand rejected under 35 U.S.C. § 112, first paragraph, as

failing to comply with the written description requirement.

10. Claims 9, 9 and 29 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

11. The drawings stand rejected under 37 C.F.R. 1.83(a) as failing to show every feature of the invention specified in the claims.

### **Argument**

#### **I. Introduction**

Claims 1, 2, 11, 12, 21 and 22 are rejected under 35 U.S.C. § 102. Under 35 U.S.C. § 102, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). "Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Apple Computer Inc. v. Articulate Sys. Inc.*, 57 U.S.P.Q.2d 1057, 1061 (Fed. Cir. 2000). "The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" M.P.E.P. § 2112 (citations omitted).

A finding of anticipation further requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. See *Scripps Clinic & Research Foundation v. Genentech Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). In particular, the Court of Appeals for the Federal Circuit held that a finding of anticipation requires absolute identity for each and every element set forth in the claimed invention. See *Trintec Indus. Inc. v. Top-U.S.A. Corp.*, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002). Additionally, the cited prior art reference must be enabling, thereby placing the allegedly disclosed matter in the possession of the public. *In re*



*Brown*, 329 F.2d 1006, 1011, 141 U.S.P.Q. 245, 249 (C.C.P.A. 1964). Thus, the prior art reference must adequately describe the claimed invention so that a person of ordinary skill in the art could make and use the invention.

The remaining claims are rejected as obvious under 35 U.S.C. § 103. To establish a *prima facie* case of obviousness, the prior art reference or references when combined must teach or suggest *all* the recitations of the claims, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. M.P.E.P. §2143. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. §2143.01, citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). As emphasized by the Court of Appeals for the Federal Circuit, to support combining references, evidence of a suggestion, teaching, or motivation to combine must be **clear and particular**, and this requirement for clear and particular evidence is not met by broad and conclusory statements about the teachings of references. *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). The Court of Appeals for the Federal Circuit has further stated that, to support combining or modifying references, there must be **particular** evidence from the prior art as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000).

Claims 9, 19, 29, 37-38, 40-41 and 43-44 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. *See, e.g., Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 U.S.P.Q.2d 1429, 1438 (Fed. Cir. 2003). The possession test requires assessment from the viewpoint of one of skill in the art. *See Vas-Cath Inc. v. Mahurkar*, 935 F.3d 1306, 1563-64, 19 U.S.P.Q.2d 1111 (Fed. Cir. 1991). "The written description requirement does not require the applicant 'to describe exactly the subject matter claimed, [instead] the description must clearly allow persons of ordinary skill in the art to recognize that [he or she] invented what is claimed' " *Union Oil Co. of Cal. v. Atlantic Richfield Co.*, 208 F.3d 989, 997, 54 U.S.P.Q.2d 1227, 1232 (Fed. Cir. 2000)

Appellants respectfully submit that the pending claims are patentable over the cited references because the cited references fail to disclose or suggest the recitations of the pending claims and/or the reasoning behind the alleged motivation to modify the cited reference has not been established. Furthermore, Appellants submit that the pending claims are in compliance with 35 U.S.C. § 112, first paragraph.

**I. The Section 102 Rejections – The Rejection of Claims 1, 2, 11, 12, 21 and 22**

As stated above, Claims 1, 2, 11, 12, 21 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Merriman. Appellants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by the cited reference. For example, Claim 1 recites:

**In a networked environment, a method for designating client properties comprising:**

**receiving a link element associated with a server, the link element including a plurality of requested client properties;**

**selecting said link element to request a document identified by the link element to be transmitted to a client;**

**inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties.**

Claims 11 and 21 contain corresponding system and computer program product claims, respectively. Appellants submit that at least the highlighted portions of, for example, Claim 1, are neither disclosed nor suggested by Merriman.

The Final Office Action states that Merriman teaches all the recitations of, for example, Claim 1. *See* Final Office Action, pages 6-7, paragraphs 20-24. The cited portion of Merriman recites, in part:

In FIG. 1, a user operates a web browser, such as Netscape or Microsoft Internet Explorer, on a computer or PDA or other Internet capable device 16 to generate through the hypertext transfer protocol (HTTP) 14 a request 20 to any one of preferably a plurality of affiliate web sites 12. The affiliate web site sends one or more messages back 22 using the same protocol. **Those messages 22 preferably contain all of the information available at the particular web site 12 for the requested page to be displayed by the user's browser 16 except for one or more advertising objects such as banner advertisements.** These objects preferably do not reside on the affiliate's web server. Instead, the affiliate's web server sends back a link including an IP address for a node running an advertiser server process 19 as well as information about the page on which the advertisement will be displayed.

The link by way of example may be a hypertext markup language (HTML) <img> tag, referring to, for example, an inline image such as a banner. The user's browser 16 then **transmits a message 23** using the received IP address to access such an object indicated by the HTML tag from the advertisement server 19. **Included in each message 23 typically to the advertising server 19 are:** (i) the user's IP address, (ii) a cookie if the browser 16 is cookie enabled and stores cookie information, (iii) a substring key indicating the page in which the advertisement to be provided from the server is to be embedded, and (iv) MIME header information indicating the browser type and version, the operating system of the computer on which the browser is operating and the proxy server type. Upon receiving the request in the message 23, the advertising server process 19 determines which advertisement or other object to provide to user's browser and transmits the messages 24 containing the object such as a banner advertisement to the user's browser 16 using the HTTP protocol. **Preferably contained within the HTTP message is a unique identifier for the advertiser's web page appropriate for the advertisement.** That advertisement object is then displayed on the image created by the web user's browser as a composite of the received affiliate's web page plus the object transmitted back by the advertising web server.

See Merriman, column 3, lines 24-63. In other words, a user selects a hyperlink presented on a browser, for example, Netscape, and the browser retrieves all of the information available at the web site, for example, a requested document, except for certain advertising objects. Once all the available information is obtained, the browser transmits a message 23 to an advertising server that uses the information provided in the message 23 to attach an advertisement to the requested information (requested document) that may be tailored for the specific user or computer. Thus, the advertisement, not the requested information, is tailored to the user/computer based on the information provided in the message 23.

As further recited in Merriman:

As part of the "click through" process, when the user clicks on the banner or other advertising object displayed by the user's browser 16, the user's browser again transmits a message to the ad server. The ad server notes the address of the computer of the browser (or any other identifier such as a cookie or a digital signature) that generated the message 23 and transmits back the URL of the advertiser's web page so that the user's web browser 16 generates a message 26 to contact the advertiser's web site. 18. The ad server process 19 also notes that a "click through" for an advertisement has occurred and updates the various databases in the manner described below.

See Merriman, column 3, line 64 through column 4, line 11. In other words, a database management company, for example, Double Click, maintains databases including user/computer specific information. Each user/computer is assigned an identifier. The user's

activities are then monitored by, for example, tracking the users click stream data, *i.e.* what web sites a user visits, what information is accessed from those websites and the like. This information is stored in a database referenced by the identifier and may also be used to tailor the advertisements presented on the user's display. Accordingly, Merriman discusses a method of tailoring advertisements placed on or around requested documents/information on a display based on information provided by the user and/or a user's web activities.

In contrast, Claim 1, for example, recites receiving a link element associated with a server, the link element including a plurality of requested client properties and inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties. Nothing in Merriman discloses or suggests at least these recitations of Claims 1, 11 and 21. The cited portion of Merriman set out above discusses a server that sends a link back to the browser including an IP address for a node running an advertiser server process as well as information about the page on which the advertisement will be displayed and a user's browser that transmits a message to the advertising server. The link discussed in Merriman does not appear to specify requested client properties, but appears to specify a server property and web page information. Nothing in the cited portion of Merriman discloses or suggests receiving a link element from the server including a plurality of **requested client properties**, inserting at least one of these **requested client properties** into a request and using the at least one **requested client properties** to customize the requested document. In fact, it appears as if the message 23 of Merriman includes information stored in a user profile or cookie and that the information in this user profile or cookie is dumped into the message 23. In contrast, the claims of the present invention recite receiving a link element including a plurality of **requested client properties** at least one of which is inserted into a request so as to allow customization of the requested document. Thus, according to embodiments of the present invention the server receives some or all of the information it requests, not a dump of all the information stored at the browser. Furthermore, as discussed above, Merriman discusses customizing advertisements to the user and/or computer. In contrast the present invention discusses customizing, for example, the format of the requested document to be compatible with, for example, the client device.

Responsive to Appellants' arguments set out above, the Examiner directs Appellants attention to the following portion of Merriman (Final Office Action, page 15, paragraph 60):

Also, if the domain for the new user has not previously been processed in the domain profile process, it may not be possible to target the advertisement for the new user and rather the new user should be shown a generic advertisement. Also, for new users, a promotional advertisement may be shown to get the new user to provide information about him or herself and his or her employer.

See Merriman, column 5, lines 43-49. With respect to the cited portion of Merriman, the Final Office Action states:

Once the user selects an advertisement, (a link element), information about the user is gathered **because of the type of advertisement** that is presented and from other advertisements gathered by the system. **This can be interpreted in to the broad limitations of claims 1, 11 and 21.**

See Final Office Action, page 15, paragraph 60 (emphasis added). Appellants respectfully disagree. The cited portion of Merriman discusses providing generic advertisements to the new users and possibly learning information about the user using promotional advertisements. Nothing in the cited portion of Merriman discusses that the link element (advertisement) includes a plurality of requested client properties or that at least one of the plurality of requested client properties is inserted into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties as recited in Claim 1.

Furthermore, according to the legal standard for anticipation set out above, **each and every element** as set forth in the claim must be found in the cited reference. This burden is not met by stating that a cited portion of the reference "can be interpreted in to the broad limitations of claims" as stated in the Final Office Action. See Final Office Action, page 15, paragraph 60. Furthermore, that there must be **no difference** between the claimed invention and the disclosure of the cited reference. As discussed above, there are many differences between Merriman and Independent Claims 1, 11 and 21.

Accordingly, Appellants respectfully submit that Independent Claims 1, 11 and 21 are not anticipated by the cited reference for at least the reasons discussed above. Thus, Independent Claims 1, 11 and 21 are patentable over the cited reference. Furthermore, dependent Claims 2, 12 and 22 are patentable at least per the patentability of Independent base Claims 1, 11 and 21 from which they depend. Accordingly, Appellants respectfully

request reversal of the rejections with respect to Independent Claims 1, 11 and 21 and the claims that depend therefrom for at least the reasons discussed herein.

### **III. The Section 103 Rejections**

#### **A. The Rejection of Independent Claims 6, 16 and 26**

As stated above, Claims 6, 16 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn. Claims 6, 16 and 26 were amended to include the recitations of Claims 1, 11 and 21. Furthermore, Heidorn fails to provide the missing teachings. Thus, Claims 6, 16 and 26 are patentable for at least the reasons discussed above with respect to Claims 1, 11 and 21. Accordingly, Appellants respectfully request reversal of the rejections with respect to Claims 6, 16 and 26 for at least these reasons.

#### **B. The Dependent Claims**

As discussed above, Claims 5, 15, 25, 32, 34 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Gershman. Claims 7, 17 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn. Claims 8, 18 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn in further view of Gershman. Claims 9, 19, 29, 39, 42 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn in further view of Gershman in further view Bruck. Claims 10, 20 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn in further view of Bruck. Claims 37, 38, 40, 41, 43 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Gershman. Appellants respectfully submit that the dependent claims are patentable at least per the patentability of independent base Claims 1, 11 and 21 from which they depend.

#### **C. Many of the Dependent Claims are Separately Patentable**

##### **a. The Rejection of Claims 7, 17 and 27**

As stated above, Claims 7, 17 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn. Claims 7, 17 and 27 are patentable at least per the patentability of independent Claims 1, 11 and 21 from which they depend.

However, Claims 7, 17 and 27 are also separately patentable over the cited references. Claim 7 recites, in part:

wherein said step of inserting comprises the steps of:  
selecting ones of the plurality of requested client properties included in the link element; and  
determining whether selected ones of the plurality of requested client properties are available to be transmitted.

Claims 17 and 27 contain corresponding system and program product recitations. As discussed above with respect to Claims 1, 11 and 21, nothing in Merriman discloses or suggests a link element including a plurality of requested client properties or inserting at least one of the requested client properties into a request as recited in Claim 7. Heidorn does not provide the missing teachings. Thus, it follows that nothing in the cited references discloses or suggests details with respect to inserting the at least one of the requested client properties into the request. Accordingly, in addition to being patentable as depending from a patentable base claim, Appellants respectfully request reversal of the rejections with respect to Claims 7, 17 and 27 for at least these additional reasons.

**b. The Rejection of Claims 9, 19 and 25**

Claims 9, 19, 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn in further view of Gershman in further view Bruck. Claim 9 recites:

The method of Claim 7 further comprising:

prompting a user whether to transmit the selected ones of the plurality of requested client properties if it is determined that at least one of the plurality of requested client properties is available to be transmitted; and  
transmitting the request without at least one of the selected ones of the plurality of requested client properties if the user indicates the selected ones of the plurality of requested client properties are not to be sent.

Claims 19 and 29 contain corresponding system and computer program product recitations. As stated above, Claims 9, 19 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman in view of Heidorn in further view of Bruck. The Final Office Action admits that Merriman does not specifically teach that the step of prompting a user whether to transmit the selected ones of the plurality of requested client properties as recited in Claim 9. *See* Final Office Action, page 11, paragraph 45. The Final Office Action further admits that Heidorn does not fully provide the missing teachings. *See* Final Office Action,

page 12, paragraph 47. However, the Final Office Action points to the combination of Heidorn and Bruck to provide the missing teachings. *See id.* Appellants respectfully disagree.

Bruck discusses methods and systems "for suppressing or otherwise controlling the display of unrequested content" as stated in the abstract, not customization of a requested document as recited in the claims of the present invention. *See* Bruck, Abstract. The cited portions of Bruck discuss, for example, suppressing advertisements directed to a competitor's product or suppressing advertisements when important data is being viewed. *See* Bruck, column 10, lines 51-67 and column 13, lines 29-48. Nothing in the cited portion of Bruck discusses prompting a user for permission to transmit information as recited in Claims 9, 19 and 29. Gershman discusses a system for displaying and retrieving information from the web using a handheld device. *See* Gershman, column 3, lines 14-29. The cited portion of Gershman discusses prompting the user to input information of interest to the user, but does not prompt the user for permission to transmit information requested in a link as recited in Claims 9, 19 and 29. *See id.* Thus, the cited portions of Bruck and Gershman do not disclose or suggest "prompting a user whether to transmit the selected ones of the plurality of requested client properties" as recited in Claims 9, 19 and 29. Furthermore, nothing in the cited references discloses or suggests "transmitting the request without at least one of the selected ones of the plurality of requested client properties if the user indicates the selected ones of the plurality of requested client properties are not to be sent" as further recited in Claims 9, 19 and 29. Accordingly, in addition to being patentable as depending from a patentable base claim, Appellants respectfully request reversal of the rejections with respect to Claims 9, 19 and 29 for at least these additional reasons.

**c. The Rejection of Claims 10, 20 and 30**

Claims 10, 20 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn in further view of Bruck. Claim 10 recites "terminating the request if it is determined that at least one of the selected ones of the plurality of requested client properties is not available to be transmitted and the at least one of the selected ones of the plurality of requested client properties that is not available to be transmitted is a mandatory property." Claims 20 and 30 contain corresponding system and program product recitations. Nothing in the cited references discloses or suggests that at least



one of the plurality of client properties is designated as a mandatory property, thus, it also follows that none of the cited references discloses or suggests terminating the request based on the mandatory property not being available to be transmitted as recited in Claims 10, 20 and 30.

The Final Office Action states:

Furthermore, if the user didn't have the information that is mandatory for the system to function then the system would not be able to execute its functions therefore, making the inventions functions useless.

*See* Final Office Action, page 13, paragraph 53. Appellants respectfully submit that the designation of a property as "mandatory" only becomes necessary if "less than all of the available properties" are being provided according to embodiments of the present invention. The cited references do not disclose systems where this is the case, thus, the user of the systems discussed in the cited references does not need information about mandatory properties to function, as all the available properties are provided. Accordingly, in addition to being patentable as depending from a patentable base claim, Appellants respectfully request reversal of the rejections with respect to Claims 10, 20 and 30 for at least these additional reasons.

**d. The Rejection of Claims 37, 40 and 43**

Claims 37, 40 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Gershman. Dependent Claim 37 recites:

The method of Claim 1, wherein the plurality of requested client properties included in a list in the link element are less than all client properties that may be included in the list.

Claims 40 and 43 contain corresponding system and program product recitations, respectively. The Final Office Action admits that Merriman does not specifically teach the recitations of Claim 37, but states that Gershman provides the missing teachings. *See* Final Office Action, page 14, paragraph 56. The cited portion of Gershman recites, in part:

The first attempts to dynamically deal with information overload were primarily focused on the intelligent filtering of information such that the quantity of information would be lessened. Rather than simply removing random bits of information, however, most of these approaches tried to be intelligent about what information was ultimately presented to the user. This was accomplished by evaluating each document based on the user's interests

and discarding the less relevant ones. It follows, therefore, that the quality was also increased.

See Gershman, column 46, lines 51-60. As stated therein, the cited portion of Gershman discusses discarding "less relevant" information. Nothing in the cited portion of Gershman discloses or suggests including *in a list in the link element, less than all client properties* as recited in Claim 37. Accordingly, in addition to being patentable as depending from a patentable base claim, Appellants respectfully request reversal of the rejections with respect to Claims 37, 40 and 43 for at least these additional reasons.

**e. The Rejection of Claims 38, 41 and 44**

Claims 38, 41 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Gershman. Dependent Claim 38 recites:

The method of Claim 1, wherein the inserted at least one of said plurality of client properties is less than all the plurality of requested properties included in the link element.

Claims 41 and 44 contain corresponding system and program product recitations, respectively. The Final Office Action does not even address the specific recitations of these claims. Appellants submit that nothing in the cited combination discloses or suggests the recitations of Claim 38, but merely states that they are rejected for similar reasons to Claim 37. Accordingly, in addition to being patentable as depending from a patentable base claim, Appellants respectfully request reversal of the rejections with respect to Claims 38, 41 and 44 for at least these additional reasons.

**f. The Motivation to Combine**

In addition to the reasons set forth above for reversing the obviousness rejections, there is also no proper motivation to combine the cited references in the manner suggested in the Final Office Action. Responsive to Appellants' arguments in their Amendment of March 15, 2004, the Final Office Action cites *In re MacLaughlin*, which is a Court of Customs and Patent Appeals case from 1971. More recent case law of the Court of Appeals for the Federal Circuit makes clear that this does not imply that sweeping, conclusory inferences drawn from multiple references meet the requirements for support of a rejection under § 103. In particular, to support combining references, evidence of a suggestion, teaching, or motivation to combine must be *clear and particular*, and this requirement for clear and particular

evidence is not met by broad and conclusory statements about the teachings of references. *See, e.g., In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). The Final Office Action does not point to any portion of the cited references as providing a motivation to combine the references. Each of the cited references include different uses of links, networks, and the like, and a § 103 rejection may not be supported simply by throwing these disparate arrangements of teachings together in an *ad hoc* fashion, as these proposed changes would fundamentally change the functionalities of the inventions described in the cited references. A person of skill in the art would not be motivated to combine these references without using Appellants' disclosure as a road map. Thus, it appears that the Final Office Action gains its impetus or suggestion to modify the cited reference by hindsight reasoning informed by Appellants' disclosure, which, as noted above, is an inappropriate basis for combining references. Finally, even if combined the cited combination does not disclose or suggest the recitations of the pending claims for at least the reasons discussed above.

For at least the foregoing reasons, Appellants respectfully submit that at least the dependent claims discussed above are independently patentable over the cited references. Accordingly, Appellants respectfully request reversal of the rejections with respect to the dependent claims for at least these reasons.

#### **IV. The Section 112 Rejections**

##### **A. The Rejection of Claims 37, 40 and 43**

As discussed above, Claims 37, 40 and 43 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Final Office Action states:

Specifically, there is no support in the original disclosure of the teachings of a plurality of requested client properties included in the list in the link element are less than all client properties that may be included in the list found in the original discloser [sic] of the specification. Therefore, new subject matter will not be entered and the previous rejection still stands as restated below.

*See* Final Office Action, page 3, paragraph 7. Appellants respectfully submit that no new matter is being added to the present application by the recitations of these claims for at least the reasons discussed below.

As stated in the summary of the present invention:

An object of the present invention is to provide, within a networked environment, a method by which a Web server **can indicate which device, user, software, and network properties** can it use when generating personalized content for the requesting user.

Another object of the present invention is to provide a method by which a Web server **can indicate which device, user, software, and network properties** are required for it to generate any meaningful content for the requesting user...

See Summary of the Invention, page 4, line 10 to page 5, line 11. In other words, embodiments of the present invention provide methods, systems and computer program products that allow a Web server to indicate "which properties" are used and/or required by the Web server to generate a customized output for the user. **There would be no need for a Web Server to indicate which properties it can use to generate personalized content, if all of the available properties were used.** It is apparent from the Summary of the Invention that the web server determines which properties it needs because less than all the properties are requested from the client.

Furthermore, methods of indicating properties that may be used by the server are discussed throughout the specification. For example, with respect to Figure 4B, the specification states:

The server may need to indicate to the client browser that the server that provides a particular linked document is capable of customizing the content or format of that document according to the client as long as the document request includes information about the hardware device, platform or application software, or user preferences. To do this, the server may include an additional attribute (PROFILEATTRS) with the link element **listing the properties that the referenced server can use to customize the referenced document.**

See Specification, page 12, lines 15-20. **Again, there would be no need for a Web Server to indicate which properties it can use to customize the referenced document, if all of the available properties were indicated.**

Responsive to Appellants arguments set out above, the Final Office Action states that "the cited areas of the Applicant's application indicate that it could use all the network properties that are given to the Web server." See Final Office Action, page 17, paragraph 65. Appellants submit that nothing prohibits Appellants from claiming certain aspects disclosed in the specification and not claiming other aspects. Accordingly, Appellants respectfully submit that the subject matter of dependent Claims 37, 40 and 43 is not new matter for at least the reasons discussed above and are in compliance with 35 U.S.C. § 112.

**B. The Rejection of Claims 38, 41 and 44**

Claims 38, 41 and 44 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Final Office Action states:

Specifically, there is no support in the original disclosure of the teachings of a [sic] inserted at least one of said plurality of client properties is less than all the plurality of requested properties included in the link element is found in the original discloser [sic] of the specification. Therefore, new subject matter will not be entered and the previous rejection still stands as restated below.

See Final Office Action, page 4, paragraph 8. Appellants submit that no new matter has been added to the application by the recitations of these claims for at least the reasons discussed below.

Appellants direct the Examiner's attention to the background of the invention, which states:

Therefore, a need exists for a method and system that allows Web servers to indicate which device, user, software, and network properties can it use to generate personalized content for the requesting user. The Web server also needs to indicate which properties are actually required for it to generate any meaningful content at all. Using this mechanism, the client can optionally query the user for permission before including the requested information in the request. **Using the mechanism, the client furthermore can save bandwidth by only transmitting information that the server will use.**

See Background of the Invention, page 4, lines 1-8. The Summary of the Invention further recites:

Yet another object of the present invention is to provide a method **for reducing the amount of network bandwidth** consumed to transmit device, user, software, and network information that is not used by the Web server.

See Summary of the Invention, page 5, lines 2-4. Thus, the client can conserve bandwidth by inserting less than all the requested client properties or by inserting only the information that the server will use. Accordingly, Appellants respectfully submit that the subject matter of dependent Claims 38, 41 and 44 is not new matter and that Claims 38, 41 and 44 are in compliance with 35 U.S.C. § 112 for at least the reasons discussed above.

**C. The Rejection of Claims 9, 19 and 29**

Claims 9, 19 and 29 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Final Office Action states:

The limitation of, "transmitting the request without at least one of the selected ones of the plurality of request [sic] client properties if the user indicates the selected ones of the plurality of requested client properties are not to be sent", is not specifically found in the specification. The applicant is suggested to add the missing step that states that the client properties are not mandatory. This would narrow the scope of the claim and would require further search and consideration but would overcome the rejection stated above.

See Final Office Action, page 5, paragraph 11. Appellants appreciate the Examiner's suggestion with respect to the amendment of Claims 9, 19 and 29. However, Appellants have not Claims 9, 19 and 29, as Appellants submit that the disclosure clearly discusses the recitations as claimed. In particular, as indicated in the flowchart of Figure 5 and the corresponding text, if a property is mandatory, "the request cannot be successfully transmitted" without the mandatory property. See Specification, page 15, lines 19-23. Thus, if, as recited in Claims 9, 19 and 29, the request is transmitted without a requested client property, the property is by definition not mandatory. Thus, Claims 9, 19 and 29 do not have to be amended and Appellants submit that these claims are in compliance with section 35 U.S.C. § 112.

**V. The Drawing Objections**

The drawings stand rejected under 37 C.F.R. 1.83(a) as failing to show every feature of the invention specified in the claims. In particular, the Final Office Action states that "the plurality of requested client properties being less than all available client properties must be shown or the features canceled from the claims." See Final Office Action, page 3, paragraph 5. Appellants respectfully submit that this feature is clearly illustrated in the Figures.

For example, Figure 5A illustrates the PROFILEATTRS, which designates a list of client properties that may be provided to the server from which the document is requested. As illustrated therein and described in the corresponding text, the PROFILEATTRS of Figure 5A only includes one client property, HardwareCharacteristics 346. As stated in the specification, "[t]he list 345 includes only one property...Additional properties may be included in the list 345 by separating them with a semi-colon." See Specification, page 13,

lines 9-12. Thus, implying that there is more than one available client property. Thus, Figure 5A clearly illustrates the requested client properties being less than all available client properties as recited in dependent Claims 37, 40 and 43. See Figure 5A and the specification, page 13, lines 6-12.

Accordingly, Appellants respectfully submit that the drawings are in compliance with 37 C.F.R. 1.83(a) for at least the reasons discussed above. Appellants respectfully request withdrawal of the objections with respect to the drawings.

#### **VI. Conclusion**

In light of the above, Appellants request reversal of the rejections of the claims, allowance of the claims and passing of the application to issue.

It is not believed that an extension of time and/or additional fee(s) are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 09-0461.

Respectfully submitted,

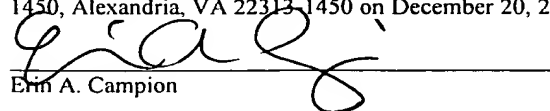


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#### **Certificate of Mailing under 37 CFR § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 20, 2004.

  
Erin A. Campion

## APPENDIX A

1. (Previously Presented) In a networked environment, a method for designating client properties comprising:

receiving a link element associated with a server, the link element including a plurality of requested client properties;

selecting said link element to request a document identified by the link element to be transmitted to a client; and

inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties.

2. (Original) The method of Claim 1, wherein said plurality of requested client properties is contained within an attribute of said link element.

Claims 3 and 4 (Canceled).

5. (Original) The method of Claim 1, wherein said plurality of requested client properties includes at least one property that is a wild card.

6. (Previously Presented) In a networked environment, a method for designating client properties comprising:

receiving a link element associated with a server, the link element including a plurality of requested client properties;

selecting said link element to request a document identified by the link element to be transmitted to a client; and

inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties, wherein said plurality of requested client properties includes at least one property that is designated as a mandatory property and at least one property that is an optional property.



7. (Previously Presented) The method of Claim 1, wherein said step of inserting comprises the steps of:

selecting ones of the plurality of requested client properties included in the link element; and

determining whether selected ones of the plurality of requested client properties are available to be transmitted.

8. (Previously Presented) The method of Claim 7, wherein said step of selecting further comprises expanding a wild card property.

9. (Previously Presented) The method of Claim 7 further comprising:

prompting a user whether to transmit the selected ones of the plurality of requested client properties if it is determined that at least one of the selected ones of the plurality of requested client properties is available to be transmitted; and

transmitting the request without at least one of the selected ones of the plurality of requested client properties if the user indicates the selected ones of the plurality of requested client properties are not to be sent.

10. (Previously Presented) The method of Claim 7, further comprising the step of terminating the request if it is determined that at least one of the selected ones of the plurality of requested client properties is not available to be transmitted and the at least one of the selected ones of the plurality of requested client properties that is not available to be transmitted is a mandatory property.

11. (Previously Presented) In a networked environment, a system for designating client properties comprising:

means for receiving a link element associated with a server, the link element including a plurality of requested client properties;

means for selecting said link element to request a document identified by the link element to be transmitted to a client; and

means for inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties.

12. (Original) The system of Claim 11, wherein said plurality of requested client properties is contained within an attribute of said link element.

Claims 13 and 14 (Canceled).

15. (Original) The system of Claim 11, wherein said plurality of requested client properties includes at least one property that is a wild card.

16. (Previously Presented) In a networked environment, a system for designating client properties comprising:

means for receiving a link element associated with a server, the link element including a plurality of requested client properties;

means for selecting said link element to request a document identified by the link element to be transmitted to a client; and

means for inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties, wherein said plurality of requested client properties includes at least one property that is designated as a mandatory property and at least one property that is an optional property.

17. (Previously Presented) The system of Claim 11, wherein said means for inserting comprises:

means for selecting ones of the plurality of requested client properties included in the link element; and

means for determining whether selected ones of the plurality of requested client properties are available to be transmitted.

18. (Previously Presented) The system of Claim 17, wherein said means for selecting further comprises means for expanding a wild card property.

19. (Previously Presented) The system of Claim 17 further comprising:  
means for prompting a user whether to transmit the selected ones of the plurality of requested client properties if it is determined that at least one of the selected ones of the plurality of requested client properties is available to be transmitted; and  
means for transmitting the request without at least one of the selected ones of the plurality of requested client properties if the user indicates the selected ones of the plurality of requested client properties are not to be sent.

20. (Previously Presented) The system of Claim 17, further comprising means for terminating the request if it is determined that at least one of the selected ones of the plurality of requested client properties is not available to be transmitted and the at least one of the selected ones of the plurality of requested client properties that is not available to be transmitted is a mandatory property.

21. (Previously Presented) In a networked environment, a computer program product recorded on computer readable medium for designating client properties comprising:  
computer readable means for receiving a link element associated with a server, the link element including a plurality of requested client properties;  
computer readable means for selecting said link element to request a document identified by the link element to be transmitted to a client; and  
computer readable means for inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties.

22. (Original) The program product of Claim 21, wherein said plurality of requested client properties is contained within an attribute of said link element.

Claims 23 and 24 (Canceled).

25. (Original) The program product of Claim 21, wherein said plurality of requested client properties includes at least one property that is a wild card.

26. (Previously Presented) In a networked environment, a computer program product recorded on computer readable medium for designating client properties comprising:

computer readable means for receiving a link element associated with a server, the link element including a plurality of requested client properties;

computer readable means for selecting said link element to request a document identified by the link element to be transmitted to a client; and

computer readable means for inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties, wherein said plurality of requested client properties includes at least one property that is designated as a mandatory property and at least one property that is an optional property.

27. (Previously Presented) The program product of Claim 21, wherein said computer readable means for inserting comprises:

computer readable means for selecting ones of the plurality of requested client properties included in the link element; and

computer readable means for determining whether selected ones of the plurality of requested client properties are available to be transmitted.

28. (Previously Presented) The program product of Claim 27, wherein said computer readable means for selecting further comprises computer readable means for expanding a wild card property.

29. (Previously Presented) The program product of Claim 27 further comprising:

computer readable means for prompting a user whether to transmit the selected ones of the plurality of requested client properties if it is determined that at least one of the selected ones of the plurality of requested client properties is available to be transmitted; and

computer readable means for transmitting the request without at least one of the selected ones of the plurality of requested client properties if the user indicates the selected ones of the plurality of requested client properties are not to be sent.

30. (Previously Presented) The program product of Claim 27, further comprising computer readable means for terminating the request if it is determined that at least one of the selected ones of the plurality of requested client properties is not available to be transmitted and the at least one of the selected ones of the plurality of requested client properties that is not available to be transmitted is a mandatory property.

Claim 31 (Canceled).

32. (Previously Presented) The method of Claim 1, wherein at least one of the plurality of requested client properties is associated with hardware characteristics of the client.

Claim 33 (Canceled).

34. (Previously Presented) The system of Claim 11, wherein at least one of the plurality of requested client properties is associated with hardware characteristics of the client.

Claim 35 (Canceled).

36. (Previously Presented) The program product of Claim 21, wherein at least one of the plurality of requested client properties is associated with hardware characteristics of the client.

37. (Previously Presented) The method of Claim 1, wherein the plurality of requested client properties included in a list in the link element are less than all client properties that may be included in the list.

38. (Previously Presented) The method of Claim 1, wherein the inserted at least one of said plurality of client properties is less than all the plurality of requested properties included in the link element.

39. (Previously Presented) The method of Claim 6, further comprising transmitting the request without at least one of the at least one property that is an optional property irrespective of whether the optional property is available for transmission.

40. (Previously Presented) The system of Claim 11, wherein the plurality of requested client properties included in a list in the link element are less than all client properties that may be included in the list.

41. (Previously Presented) The system of Claim 11, wherein the inserted at least one of said plurality of client properties is less than all the plurality of requested properties included in the link element.

42. (Previously Presented) The system of Claim 16, further comprising means for transmitting the request without at least one of the at least one property that is an optional property irrespective of whether the optional property is available for transmission.

43. (Previously Presented) The program product of Claim 21, wherein the plurality of requested client properties included in a list in the link element are less than all client properties that may be included in the list.

44. (Previously Presented) The program product of Claim 21, wherein the inserted at least one of said plurality of client properties is less than all the plurality of requested properties included in the link element.

45. (Previously Presented) The program product of Claim 26, further comprising computer readable means for transmitting the request without at least one of the at least one

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property that is an optional property irrespective of whether the optional property is available for transmission.